



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/101,341	07/08/98	MALMGREN	K 000500-128

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EXAMINER

WHITE, E

ART UNIT

PAPER NUMBER

1623

DATE MAILED:

10/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/101,341

Applicant(s)

MALMGREN et al.

Examiner

WHITE

Group Art Unit

1623



☒ Responsive to communication(s) filed on Aug 3, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. Amendment B filed August 3, 1999 has been received and entered into the record.
2. Claims 1-19 are pending in the case.
3. All 35 U.S.C. statutes not cited in this Office action can be found cited in full in a previous Office action.

35 USC 103 Rejection

4. Claims 1-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burrow (EP 232,121) in view of Holst et al (US Patent No. 4,197,371) for the reasons already of record on pages 3 and 4 of the Office action mailed August 3, 1999.
5. Applicant's arguments filed August 3, 1999 have been fully considered but they are not persuasive. Applicant's argument on page 9 wherein the Burrow patent discloses dissolving a carboxylate ester of a polysaccharide as oppose to dissolving a polysaccharide as disclosed in the instant claims is not persuasive since the term "polysaccharide" of the instant claims would broadly include the carboxylate ester of a polysaccharide as disclosed in the Burrow patent. Also, the broadness of the term "solvent" which is set forth in the instant claims to describe the liquid in which the polysaccharide of the instant claims is dissolved in does not limit the liquid used in the dissolution of the polysaccharide disclosed in the Burrow patent. Furthermore, the subject matter disclosed in the dependent claims does not appear to be outside of the spirit and scope of the prior art and appears to be dependent upon the novelty of the independent claim. Accordingly, the rejection of claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over the Burrow EP patent in view of the Holst et al patent is maintained.
6. All the claims are rejected.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. White whose telephone number is (703) 308-4621. The examiner can normally be reached on Monday-Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

E. White

White
October 12, 1999

Gary L. Kunz
GARY L. KUNZ
PRIMARY EXAMINER
GROUP 1200